

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

TAMMERA L. WARD)	
Claimant)	
VS.)	
)	Docket No. 199,483
OLSTEN KIMBERLY QUALITYCARE)	
Respondent)	
AND)	
)	
CIGNA WORKERS COMPENSATION INSURANCE)	
Insurance Carrier)	

ORDER

On March 12, 1997, the Application of respondent for review by the Workers Compensation Appeals Board of an Award entered by Administrative Law Judge Bruce E. Moore on September 6, 1996, came on for oral argument in Wichita, Kansas.

APPEARANCES

Claimant appeared by and through her attorney, Dennis L. Phelps of Wichita, Kansas. Respondent and its insurance carrier appeared by and through their attorney, Douglas C. Hobbs of Wichita, Kansas. There were no other appearances.

RECORD AND STIPULATIONS

The record and stipulations as specifically set forth in the Award of the Administrative Law Judge are herein adopted by the Appeals Board.

ISSUES

What is the nature and extent of claimant's injury and/or disability?

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Having reviewed the whole evidentiary record, the Appeals Board makes the following findings of fact and conclusions of law:

The Appeals Board finds that the Award of the Administrative Law Judge sets out findings of fact and conclusions of law in some detail and it is not necessary to repeat those herein. The findings and conclusions enumerated in the Award of the Administrative Law Judge are both accurate and appropriate and the Appeals Board adopts same as its own findings and conclusions as if specifically set forth herein.

The Administrative Law Judge's analysis of the claimant's entitlement to work disability is well set out. While respondent argues that claimant should be denied work disability, having been offered a job, the facts do not indicate that the offer of respondent was in sufficient detail to invoke the penalties of Foulk v. Colonial Terrace, 20 Kan. App. 2d 277, 887 P.2d 140 (1994), rev. denied 257 Kan. 1091 (1995).

Considering the complexity of the factual circumstances subsequent to claimant's accident, specifically those involving her different jobs and varying incomes, the Appeals Board commends the Administrative Law Judge's detailed analysis and accurate depiction of the factual circumstances and complicated mathematical computations.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award entered by Administrative Law Judge Bruce E. Moore dated September 6, 1996, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of April 1997.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Dennis L. Phelps, Wichita, KS
Douglas C. Hobbs, Wichita, KS
Bruce E. Moore, Administrative Law Judge
Philip S. Harness, Director